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10 Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

RANDALL HOLL.

Plaintiff,

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UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 16-cv-05856-HSG

**STIPULATION AND [PROPOSED]
ORDER STAYING DISCOVERY
AND DEADLINE TO RESPOND
TO THE COMPLAINT PENDING
RESOLUTION OF MOTION TO
COMPEL ARBITRATION**

Complaint served: October 20, 2016
Current response due: December 19,
2016

STIPULATION

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Randall Holl and Defendant United Parcel Service, Inc. (“UPS”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, Plaintiff filed the Complaint in this action on October 11, 2016, and served UPS with the Complaint on October 20, 2016;

WHEREAS, on November 4, 2016, the parties stipulated and agreed to extend UPS's deadline to respond to the Complaint until December 19, 2016;

WHEREAS, Plaintiff has served early requests for production of documents under Rules 26 and 34 of the Federal Rules of Civil Procedure;

WHEREAS, UPS intends on December 19, 2016 to file a motion to compel arbitration of all claims alleged in the Complaint and stay the proceedings pending arbitration of this matter;

WHEREAS, the parties have met and conferred, and agree that:

1. All discovery in this action shall be stayed pending resolution of UPS's motion to compel arbitration by the district court;
2. UPS's time to serve a responsive pleading under Rule 12 of the Federal Rules of Civil Procedure shall be stayed pending resolution of UPS's motion to compel arbitration by the district court; and
3. The parties' deadlines to file an ADR Certification and a Stipulation to ADR Process or Notice of Need for ADR Phone Conference shall be stayed pending resolution of UPS's motion to compel arbitration by the district court;

WHEREAS, this agreement is without prejudice to Plaintiff's right to oppose UPS's motion to compel arbitration on any and all grounds, and without prejudice to Plaintiff's right to oppose a further stay in the event that UPS's motion to compel arbitration is denied by the district court.

THEREFORE, IT IS HEREBY AGREED AND STIPULATED, that (1) all discovery in this action shall be stayed pending resolution of UPS's motion to compel arbitration by the district court; (2) UPS's deadline to respond to the Complaint shall be stayed pending resolution of UPS's motion to compel arbitration by the district court; and (3) the parties' deadlines to file

1 an ADR Certification and a Stipulation to ADR Process or Notice of Need for ADR Phone
2 Conference shall be stayed pending resolution of UPS's motion to compel arbitration by the
3 district court.

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5 Dated: December 16, 2016

STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

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By: /s/ Stacey M. Sprenkel
Stacey M. Sprenkel

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Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

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Dated: December 16, 2016

KAI RICHTER

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By: /s/ Kai Richter
KAI RICHTER

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Attorneys for Plaintiff
RANDALL HOLL

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ECF ATTESTATION

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I, Stacey M. Sprenkel, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER STAYING DISCOVERY AND DEADLINE TO RESPOND TO THE COMPLAINT PENDING RESOLUTION OF MOTION TO COMPEL ARBITRATION. In accordance with Civil Local Rule 5-1, concurrence in the filing of this document has been obtained from Kai Richter, counsel for Plaintiff, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

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1 Dated: December 16, 2016

MORRISON & FOERSTER LLP

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By: /s/ Stacey M. Sprenkel
STACEY M. SPRENKEL

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Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

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[PROPOSED] ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: 1/5/2017

By: 
HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT

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CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that on the 16th day of December, 2016, the foregoing
3 document was filed electronically on the CM/ECF system, which caused all CM/ECF participants
4 to be served by electronic means.

/s/ Stacey M. Sprenkel

STACEY M. SPRENKEL

Attorneys for Defendant
UNITED PARCEL SERVICE, INC.